

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Allina Health Systems,

Case No. 22-cv-63 (JWB/DJF)

Plaintiff,

v.

**ORDER ON PLAINTIFF’S MOTION TO  
COMPEL AND MOTION TO EXTEND  
PRETRIAL DEADLINES**

Gentox Medical Services, LLC et al.,

Defendants.

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This matter is before the Court on Plaintiff Allina Health Systems’ Motion to Compel and Motion to Extend Pretrial Deadlines (“Motion”) (ECF No. 55). Plaintiff seeks to compel Defendants Gentox Medical Services, LLC (“Gentox”) and Uriah Kennedy to: (1) file complete and non-evasive responses to Plaintiff’s First Set of Interrogatories and Requests for Production of Documents; (2) file responses to its Second Set of Interrogatories and Requests for Production of Documents; and (3) provide completed authorizations for their financial and tax records. (*See* ECF No. 57.)

Neither Defendant has had legal representation in this matter since the Court granted defense counsel’s Motion to Withdraw (ECF No. 52). In connection with its Motion and pursuant to Local Rule 7.1, Plaintiff filed a Meet and Confer Statement certifying that counsel attempted to meet and confer with Mr. Kennedy on March 27, 2023, but that Mr. Kennedy did not answer the telephone at the agreed upon time for the meeting. On April 10, 2023, after the deadline for Defendants’ response to the Motion had passed, the Court entered an Order requiring Defendants to file a response to the Motion by April 28, 2023 (ECF No. 62). The Clerk of Court mailed copies of the Order to Defendants at the address for service provided to the Court by Defendants’ outgoing

counsel. (*See* ECF No. 54.) That mailing was returned, following which the Clerk's Office re-sent the Order to the forwarding address provided by the postal service. The second mailing has not been returned. Defendants Gentox and Uriah Kennedy did not submit responses to Plaintiff's Motion and did not participate in the May 4, 2023 hearing on the Motion (*see* ECF No. 63).

Given Defendants' failures to participate in this litigation, or offer any response at all to the Motion, Plaintiff's claim that Defendants have failed to provide adequate responses to their discovery requests is both un rebutted and credible. The Court grants Plaintiff's Motion to Compel and Extend as described below.

### **ORDER**

Based on the foregoing, and on all of the files, records, and proceedings herein, **IT IS HEREBY ORDERED THAT** Plaintiff's Motion to Compel and Motion to Extend Pretrial Deadlines (ECF No. [55]) is **GRANTED** as follows:

1. Defendants Uriah Kennedy and Gentox must supplement or amend their initial responses to Plaintiff's First Set of Interrogatories and Requests for Production to provide complete and non-evasive responses by **May 24, 2023**;
2. Defendants Uriah Kennedy and Gentox must provide complete and nonevasive responses to Plaintiff's Second Set of Interrogatories and Requests for Production by **May 24, 2023**;
3. Defendants must produce completed authorizations for the requested banking and tax records for both Gentox and Uriah Kennedy by **May 24, 2023**; and

4. The Pretrial Scheduling Order (ECF No. 55) is amended as follows:

**a. Discovery Deadlines**

- i. Deadline for completion of all fact discovery: **September 27, 2023**.  
  
Parties must serve their discovery requests far enough in advance of this deadline to allow time to respond, as provided by the Federal Rules of Civil Procedure, on or before this date.
- ii. Plaintiff's deadline to disclose the identity of initial experts and serve initial expert reports: **November 27, 2023**.
- iii. Defendant's deadline to disclose the identity of initial experts and serve initial expert reports: **December 25, 2023**.
- iv. Deadline for either party to disclose the identity of rebuttal experts and serve rebuttal expert reports: **February 27, 2024**.
- v. Deadline for completion of all expert discovery, including depositions: **March 27, 2024**.

**b. Electronically Stored Information**

- i. The parties must meet and confer regarding ESI preservation and the scope and form of ESI discovery on or before **May 13, 2024** and present any disputes regarding ESI preservation or discovery to the Court on or before **June 12, 2024**.

**c. Nondispositive Motion Filing Deadlines**

- i. Motions related to fact discovery: **October 11, 2023**
- ii. All other non-dispositive motions, including motions relating to expert discovery: **March 27, 2024**

d. **Dispositive Motion Filing Deadlines**

- i. All dispositive motions shall be filed by the moving party on or before  
**May 27, 2024.**

e. **Trial**

- i. This case shall be ready for a jury trial on **September 25, 2024.**

All other deadlines remain in force and effect.

Dated: May 9, 2023

*s/ Dulce J. Foster*

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Dulce J. Foster

United States Magistrate Judge